IN THE UNITED STATE DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

JM HOLDINGS 1 LLC AND CEDAR HOLDINGS, LLC))
Plaintiffs,) Civil Action No. 1:20-cv-03480-JPO
v.)
QUARTERS HOLDING GmbH)
Defendant.))

DECLARATION OF MARK TRESS

Mark Tress declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

- 1. I am the principal of JM Holdings 1 LLC and Cedar Holdings, LLC, the Plaintiffs in the above-captioned action.
- 2. I submit this declaration in support of Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Imposition of Sanctions Pursuant to Rule 11.
- 3. On or around March 18, 2020, I participated in a phone conference with representatives of Quarters¹ in which we discussed the issuance of an estoppel certificate by the Tenant, Medici 251 DeKalb, LLC.
- 4. During that phone conference, a representative of Quarters proposed that the parties enter into a side letter agreement, which would state that the Landlord had defaulted on the Lease, while submitting the estoppel certificate to the Landlord's bank without noting a default. I rejected that proposal.

¹ Capitalized terms have the same meaning as set forth in the Amended Complaint in this action.

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5. In Defendant's Memorandum of Law in Support of its Motion to Dismiss the

Complaint, Defendant appears to accuse me of "leaking" the Complaint in this action to The

Real Deal "minutes after the action was commenced." I did not "leak" the Complaint to The

Real Deal after the case was filed, and I am unaware of anyone else doing so.

6. Like Quarters, after the complaint was filed, Plaintiffs received a request from

The Real Deal, directed to counsel, to comment on the Complaint.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: Lakeview, New Jersey August 10, 2020

Mark Tress